

Draft Minutes

## **Nevada State Emergency Response Commission**

3rd Quarterly Meeting

Professional Engineers & Land Surveyor's State Board

1755 E. Plumb Lane

Reno, Nevada

August 2, 2005

### **Members Present**

B. Jim Reagan  
Richard Brenner  
Susan Crowley  
Verl Jarvie  
Carl Byrd  
Frank Siracusa  
Douglas Webb  
Brett Skinner  
Richard Mirgon  
John Helmreich

### **Members Absent**

L. Tom Czehowski  
Lawrence Jacobsen  
Larry Farr  
Dennis Nolan  
Jolaine Johnson  
Jim O'Brien  
Doyle Sutton

### **Guests**

Cathy Ludwig  
Kathy Brady  
Jim Najima  
Bruce Hicks  
Craig Nixon  
Kamala Carmazzi

### **Staff**

Karen Kennard  
Cheryl Folkers  
Bruce Ferrel  
Glade Myler

### **I. Call to Order**

Richard Mirgon called the meeting to order at 9:15 a.m.

### **II. Introductions**

Members, guests and staff introduced themselves as shown above.

### **III. Approval of April 14, 2005 Meeting Minutes**

B. Jim Reagan motioned to approve the minutes of the April 14, 2005 meeting.  
Susan Crowley seconded the motion which was approved unanimously.

### **IV. Public Comment**

There was no public comment.

### **V. New Business**

#### **A. Local Emergency Planning Committee Updates (attending LEPC Representatives)**

*Douglas -*

Mr. Mirgon stated they are having meetings and will continue to have four quarterly meetings within the year.

*Clark-*

Richard Brenner stated Clark County had a large three day exercise called Rotunda Thunda which went well. The Hazmat Explo planning committee hired a new company to coordinate the conference this year. They are doing a good job.

*Washoe-*

Bruce Hicks stated the City of Sparks is hosting a full scale exercise called Noble Responder. This will be a county wide mutual aid study with all the participating agencies. The exercise is scheduled for November 29, 2005.

*Mineral-* Craig Nixon stated the LEPC is on hold for now, everyone is concentrating on the closure of the military base. If the base is closed, it could have an impact on the county. There were discussions at the last LEPC meeting on ways to transport all the materials out of the base.

*Esmeralda-* Kathy Brady stated there are new members on the LEPC. The LEPC had an exercise on June 18, 2005. The participation was not as high as expected. There were two County Commissioners who did participate in the exercise. There is also an exercise scheduled for October 15, 2005, this is not a definite date. Ms. Brady would like to see every entity in the county participate including the public. There was discussion with the Commission on training which was requested from the State Fire Marshal's Office (SFMO) and not provided.

*Elko-* Verl Jarvie stated the new LEPC chair is Will Johnston, he is the volunteer chief for Carlin. The fire academy put on a tabletop exercise. There was not the participation expected and will try to set a date for another tabletop exercise in the late fall.

*Lander-* Carl Byrd stated the county held a Safety Day. The LEPC had a booth in conjunction with Search and Rescue and the fire department. Mr. Byrd stated brochures and videos were given out to make the public aware of the LEPC. Mr. Byrd and a Search and Rescue representative from the Lander LEPC attended the Humboldt County LEPC meeting in June at which the SERC made a presentation. Mr. Byrd was unable to get a commissioner or an elected official to attend the meeting in Humboldt County. The LEPC has also been working on a county ordinance to allow county employees to be members of the LEPC. The county ordinance was tentatively approved a couple of meetings ago with contingencies. A drill was held on June 18, 2005. The participation was good from the different county entities.

**B. U.S. Environmental Protection Agency Update – Mike Ardito**

Mike Ardito was unable to attend the meeting. Mr. Ardito provided a handout for everyone to review.

**C. U.S. Federal Emergency Management Agency Update – James MacAulay**

James MacAulay was unable to attend the meeting. Mr. MacAulay provided a handout for everyone to review.

**D. Occupational Safety and Health Administration Update – L. Tom Czehowski**

L. Tom Czehowski, OSHA, was not represented.

**E. Nevada Division of Emergency Management Update – Frank Siracusa**

Frank Siracusa, Chief of DEM, stated the Division was approved for two new positions. One of the positions is a high level administrative position to oversee the fiscal section. The other position is a planning position. This position and a DEM office will be established in Las Vegas along with a

Homeland Security position. This will provide more support to Southern Nevada. DEM staff had also participated in the Rotunda Thunda exercise. The Emergency Operations Center (EOC) was activated for two days for the exercise. DEM is working with Washoe County on a full scale exercise. The new EOC on Fairview Road will be operating in March 2006. The State of Nevada could be receiving additional homeland security grants due to using tourism as part of the funding formula.

**F. Nevada Division of Environmental Protection Update**

Jim Najima, NDEP, stated they were able to obtain a New Environmental Response position. This position will be working closely with DEM staff.

**G. Nevada State Fire Marshal Update – Doyle Sutton**

Doyle Sutton, SFMO, was not represented.

**H. Legislative Committee Report**

The Committee has not met since the last SERC meeting.

**I. Strategic Planning Committee Report**

The Committee has not met since the last SERC meeting. Ms. Crowley stated one of the committee members has volunteered to write the Strategic Plan.

Once the plan is written the Committee will meet to review.

**J. Funding Committee Report**

**1. Discussion of fiscal year 2005 Hazardous Materials Emergency Preparedness (HMEP) “mid-cycle” grant application from Washoe LEPC**

Mr. Brenner stated the Funding Committee reviewed a grant application from Washoe County LEPC to update their hazmat plan. The Committee approved with discussion on the plan staying in compliance with NRT-1 and they are also adding NIMS into their plan. The LEPC has hired a consultant to update the plan.

**2. Discussion on funding of additional rent expenses for new SERC office**

Mr. Brenner stated the Funding Committee approved to recommend the funding to the SERC. Ms. Kennard stated Legislature did not approve funding for additional rent expenses for the fiscal year of 2006. Staff will need approximately \$3,000 to fund additional rental expenses for the new office for the year. Ms. Kennard stated the additional funds will only be used at the end of the fiscal year if there isn't any other source to fund the rent. Mr. Reagan motioned to approve the additional \$3,000 to fund rental expenses for the new office. Mr. Siracusa seconded the motion which was approved unanimously.

**K. Bylaws Committee Report**

The Committee has not met since the last SERC meeting.

**L. Information Technology Committee Report**

The Committee has not met since the last SERC meeting. Mr. Mirgon stated staff was working with Department of Public Safety, Information Technology (DPSIT) on the new database. There were issues with DPSIT handing the database. Staff requested the Department of Information Technology (DoIT) handle the database. Ms. Kennard stated she is working directly with someone from DoIT on the sole source request and the Technology Investment Request (TIR).

## **M. Policy Committee Report**

### **1. Discussion on developing and interim policy for clarification of Nevada Revised Statutes (NRS) 459.744 (3) regarding fee for “manufacture for transport”, as expressed in statute, of an extremely hazardous material**

Ms. Kennard stated the Policy Committee recommends no changes to the existing NRS or NAC for “manufacture for transport” based on research conducted by staff and Ray Bacon, Manufacturers Association. There was no action taken.

### **2. Discussion on possible revision to SERC policy 8.1, “Review of Annual Hazardous Materials Response Plan and Exercise Report form, requiring submission of minutes from the meeting in which the LEPC reviewed and approved the Hazardous Materials Emergency Response Plan**

Ms. Kennard stated the LEPC as a whole would have to review the response plan and the whole LEPC would decide if any changes or updates should be made or if it is fine the way it is. The LEPC would have to include this information in their minutes to show the LEPC as a whole reviewed the plan. The Funding Committee recommended approval of the policy. Mr. Brenner motioned to approve SERC policy 8.1 as written. Mr. Jarvie seconded the motion which was approved unanimously.

## **N. Discussion regarding LEPCs which remain out of compliance for 2006 SERC grants awarded in April 2005**

Ms. Kennard stated there are several LEPCs which were awarded grants with contingencies at the April meeting. A document was provided showing which LEPCs are still out of compliance. Staff is asking for direction from the SERC on how long to wait for the contingencies to be met. Mr. Brenner wanted to address each LEPC separately.

*Elko-*

The Elko LEPC has been awarded \$18,710 for equipment and \$4,000 for operations. There have been numerous attempts to contact the LEPC and get the contingencies met. The LEPC sent information, but it was the wrong information. Mr. Jarvie stated he would contact the LEPC chair and see if he can help get the contingencies met.

Glade Myler, Sr. Deputy Attorney, stated to make a policy or keep track on how each situation is handled, so it is handled the same way next time. Mr. Mirgon requested staff go back four years to determine past practices on how contingencies were handled and report this information at the next meeting. There are also HMEP funds which have to be obligated by September 30, 2005 to consider. If HMEP funds are not spent the funds go back to the federal government.

*Lander-*

Mr. Byrd stated he could meet six of the ten contingencies within a week. Item 3 and 7 are dependent on the county. Mr. Byrd stated he could meet the deadline to spend the HMEP funds.

Nye- It was stated to work with the LEPC to obligate the funds by September 25, 2005. If unable to obligate by that date then funds will be used for HazMat Explo.

Ms. Crowley motioned to wait until next quarterly meeting before making any decision on the LEPCs with contingencies to which SERC funds were awarded. If the HMEP funds are not obligated or the contingencies are not met by September 25, 2005 the HMEP training funds will be reallocated toward the HazMat Explo conference. Also to direct staff to send out two separate letters to the LEPCs and the County Commissioners advising them the HMEP funds will be deobligated if the HMEP funds or the contingencies are not met by September 25, 2005. Mr. Jarvie seconded the motion which was approved unanimously.

Mr. Mirgon requested staff to send out notification to the LEPCs of HMEP planning funds which are available. The mid-cycle grant request would have to be received by September 1, 2005 and obligated by September 30, 2005.

**O. Discussion of fiscal year 2005 Hazardous Materials Emergency Preparedness (HMEP) “mid-cycle” grant application from Washoe County**

Ms. Kennard stated Washoe stated they may have a grant application for a “mid-cycle” grant. No grant was received. No action was taken on this item.

**P. Executive Director Report**

Ms. Kennard updated the Commission on the following:

- The HMEP application was submitted to USDOT. The grant application has been sent out to the LEPCs and subgrantees. The grant applications are due September 9, 2005.
- The SERC staff has moved into new office space. The new address is 2621 Northgate Lane #10, Carson City, NV 89706. All mail will be received at the new street address. Staff phone numbers and e-mails will remain the same.
- As of June 30, 2005 there has been approximately 9500 “United We Stand” license plates sold. There is approximately \$237,500 in license plate funds. There was discussion on having the Funding Committee develop a process for distributing the license plate funds.
- The discovery cut off date for the Illinois lawsuit has been extended to September 30, 2005.
- There are new courses for the HazMat Explo this year. The planning committee is going to sell souvenirs at the conference this year. They will be selling the “United We Stand” souvenir license plates with “Explo9” written on the front of the plate.
- Staff has received a \$5,000 grant from FEMA under CERCLA. Ms. Kennard sent an e-mail to all LEPCs to advise of the CERCLA grant. No LEPCs responded to the request. The application was submitted to support the HazMat Explo Conference.
- The Administrative Assistant position was upgraded.

- Bruce Ferrel attended the Truckee River Exercise in May 2005. Mr. Ferrel received a very nice e-mail from EPA thanking him for his support of the exercise.
- Staff made their presentation in Humboldt County in June 2005. The Humboldt County LEPC, County Commission and the City Council were in attendance. The meeting was very productive and made everyone aware of the need to support their LEPC. Staff also received tours of Cyanco and the Newmont's Twin Creek Gold Mine which was very informative and interesting.
- Staff and LEPCs are still having issues with the SFMO. In the SFMO Annual Progress Report which was due July 31, 2005, they stated the truck which was purchased by SERC funds was needed to pull the hazardous materials mobile training unit. They also stated they had contacted all LEPCs to offer hazmat training. The SFMO had certified 926 students in various levels of hazmat response. Ms. Brady with Esmeralda County is not the only LEPC having issues with the SFMO on training issues. Eureka County's training was also cancelled due to funding issues. Mineral County also had training cancelled within a week of the schedule date. Training is being cancelled due to personnel and funding issues. There is still \$20,000 from fiscal year 2004 of permit surcharge funds and \$290,000 from fiscal year 2005. The SFMO has stated at several SERC meetings this money has been obligated. To date the funds have not been drawn down. Staff also has problems with the SFMO office with accounting issues. There was discussion to have staff set a meeting with George Togliatti, Director of Public Safety, and the Co-chairs to discuss the issues with the SFMO. It was also stated to have Mr. Togliatti attend the next SERC meeting to discuss the issues with the SFMO and LEPCs present.
- Staff is working on Nevada Administrative Codes (NAC). There will be public hearings associated with the NACs in the fall. Staff is also working on the internal controls.
- The next SERC meeting is scheduled for October 13, 2005 in Las Vegas. The meeting room would not be available until 11:30 a.m. The Commission agreed to have a working lunch meeting.

## **VI. Adjournment**

Ms. Crowley motioned to adjourn the meeting.